REMARKS

Claims 25-50 are pending in the present application.

The disclosure was objected to because in the specification, the term "claim 1" in line 2, paragraph 1 and in line 2, paragraph 6 is subject to change during prosecution.

Claims 25, 26, 29, 45 and 47 were rejected under 35 U.S.C. § 102(b) as being anticipated by Schutze et al., U.S. Patent No. 5,998,129 ("Schutze").

Claims 27 and 28 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Schutze in view of Schachter et al., Some Experiments in Image Segmentation by Clustering of Local Feature Values, Bruce J. Schachter, Larry S. Davis and Azriel Rosenfeld, Pattern Recognition, Vol. II, pp 19-28, 1979 ("Schachter").

Claims 30-37 and 48-49 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Schutze in view of Schachter and further in view of Mengel, German Patent No. 19636074 ("Mengel").

Claims 38, 46 and 50 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Schutze in view of Bova, U.S. Patent No. 2002/0025511 ("Bova").

Claims 39-41 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Schutze in view of Ganser, U.S. Publication No. 2002/0048747 ("Ganser").

Claim 42 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Schutze in view of Ganser and further in view of Saund, U.S. Patent No. 6,377,710 ("Saund").

Claim 43 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Schutze in view of Sakai et al., U.S. Publication No. 2001/0053245 ("Sakai").

Claim 44 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Schutze in view of Schachter and further in view of Schuetze, PCT Application No. WO 0306266 ("Schuetze").

The claims have now been amended. No new matter was added. Reconsideration of the application in view of the amendment and following remarks is respectfully requested.

Objection to the Specification

The specification was objected to because the term "claim 1" in line 2, paragraph [0001] and in line 2, paragraph [0006] is subject to change during prosecution.

Applicants respectfully submit that each of paragraphs [0001] and [0006] of the specification have already been amended to eliminate the reference to claim 1. Reference is made to the substitute specification filed with the Office on April 20, 2006, and which is present in the USPTO's PAIR system. The Applicants respectfully submit that the objection is therefore moot.

Reconsideration and withdrawal of the objection is respectfully requested.

Rejections under 35 U.S.C. § 102(b)

Claims 25, 26, 29, 45 and 47 were rejected under 35 U.S.C. § 102(b) as being anticipated by Schutze et al., U.S. Patent No. 5,998,129 ("Schutze").

Schutze describes a process for micro-injection, sorting and harvesting of single biological objects. An outline of a desired object is drawn by moving a microscope slide, which is controlled either via a mouse/joystick, or automatically according to a predetermined pattern in an essentially circular or spiral shape around the chosen object. A laser beam then draws a fine line of approximates 500 nm width around the desired object and separates it from its surroundings. See Schutze, column 7, lines 9-20.

Independent claim 25 of the present application has now been amended so as to recite "automatically calculating a contour of the at least one object" and "automatically defining, based on the calculated contour, a nominal cutting line around the at least one object to be cut out." Support for the amendment can be found in the specification, for example, in paragraphs [0010], [0011], [0006] and [0007].

It is respectfully submitted that Schutze fails to teach "automatically calculating a contour of the at least one object" and "automatically defining, based on the calculated contour, a nominal cutting line around the at least one object to be cut out" as is now recited in claim 25 of the present application. In contrast, the object outline of Schutze is produced by a microscope slide moved either by hand (controlled by a mouse or joystick) or which travels automatically under the control of a computer program in accordance with a predetermined pattern in an essentially circular or spiral shape around the chosen object 10. See Schutze, column 7, lines 9-15. The object outline in Schutze therefore is either done by hand or follows a predetermined pattern. No automatic calculation of a contour of the at least one object is made, and an automatically calculated contour is not used to automatically define a nominal cutting line, as required by amended claim 25.

Because Schutze fails to teach the above-recited features of independent claim 25, it is respectfully submitted that Schutze cannot anticipate claim 25 or any of its dependent claims 26, 29, 45 and 47.

Reconsideration and withdrawal of the rejection of claims 25, 26, 29, 45 and 47 under 35 U.S.C. § 102(b) based on Schutze is respectfully requested.

Rejections of claims 28, 30-43, 44, 46 and 48-50 under 35 U.S.C: § 103(a)

Claims 27 and 28 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Schutze in view of Schachter et al., Some Experiments in Image Segmentation by Clustering of Local Feature Values, Bruce J. Schachter, Larry S. Davis and Azriel Rosenfeld, Pattern Recognition, Vol. II, pp 19-28, 1979 ("Schachter"). Claims 30-37 and 48-49 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Schutze in view of Schachter and further in view of Mengel, German Patent No. 19636074 ("Mengel"). Claims 38, 46 and 50 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Schutze in view of Bova, U.S. Patent No. 2002/0025511

("Bova"). Claims 39-41 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Schutze in view of Ganser, U.S. Publication No. 2002/0048747 ("Ganser"). Claim 42 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Schutze in view of Ganser and further in view of Saund, U.S. Patent No. 6,377,710 ("Saund"). Claim 43 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Schutze in view of Sakai et al., U.S. Publication No. 2001/0053245 ("Sakai"). Claim 44 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Schutze in view of Schachter and further in view of Schuetze, PCT Application No. WO 0306266 ("Schuetze").

Schachter describes attempts to segment textured black and white images by detecting clusters of local feature values and partitioning the feature space so as to separate these clusters. See Schachter, the Abstract.

Mengel describes a unit for automatic image recording, a unit for extracting features from the image for producing image features, and a feature database for the storage of the extracted image features for all patterns recorded in the learning phase. See Mengel, the Abstract.

Bova describes a process and apparatus for cell purification and ablation. Bova thereby requires that an operator first review target cell selections before initiating the selective laser exposure process. See Bova, the Abstract and paragraph [0062].

Ganser describes a method and an apparatus for laser microdissection of specimen regions. A desired reference cut line for the perforation to be generated is marked by a user in a camera image with a computer mouse using a corresponding software program. See Ganser, paragraphs [0006], [0042] and the Abstract.

Saund describes a method and apparatus for thinning a binary figure within a image that has black and white pixels with boundaries therebetween and midpoints on such boundaries for each pixel. See Saund, column 2, lines 35-38.

Sakai describes a high-precision alignment method, device and code for inspections that compare an inspection image with a reference image and detect defects from their differences. See Sakai, paragraph [0008].

Schuetze describes a laser microdissection system where the user must first mark the desired objects with the support of a computer. The objects so marked are then cut out with a laser. See Schuetze, page 5, line12 to page 6, line 2.

It is respectfully submitted that claims 28, 30-43, 44, 46 and 48-50 depend on independent claim 25. As discussed above, Schutze fails to teach all the limitations recited in independent claim 25. Nor does Schutze suggest those limitations. None of Schachter, Mengel, Bova, Ganser, Saund, Sakai and Schuetze cure this defect. In contrast, Ganser merely describes manually marking a desired reference cut line by a user using a computer mouse. See Ganser, paragraph [0042]. The desired reference line of Ganser is thus not automatically defined by an automatically calculated contour, as required by claim 25. Any combination of Schutze, Schachter, Mengel, Bova, Ganser, Saund, Sakai and Schuetze, to the extent proper, therefore could not render claim 25 or any of dependent claims 28, 30-43, 44, 46 and 48-50 obvious.

For the above reason, reconsideration and withdrawal of the respective rejections of claims 28, 30-43, 44, 46 and 48-50 under 35 U.S.C. § 102(a) based on combinations of Schutze, Schachter, Mengel, Bova, Ganser, Saund, Sakai and Schuetze is respectfully requested.
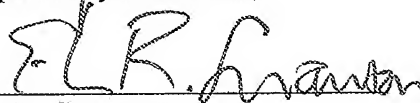
CONCLUSION

In view of the above amendments and arguments, Applicants believe that the application is in condition for allowance.

The Commissioner is hereby authorized to charge any unpaid fees deemed required in connection with this submission, including any additional filing or application processing fees required under 37 C.F.R. §1.16 or 1.17, or to credit any overpayment, to Deposit Account No. 04-0100.

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Respectfully submitted,

By_____

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